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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HUTTON JR, WILLIAM D	

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/715,114	GRAMBIHLER ET AL.	
	Examiner	Art Unit	
	Doug Hutton	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 10-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 10-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Applicant's Response

In Applicant's Response dated 06/28/2006, Applicant amended the Specification, amended Claims 1-8 and 11-31, added new Claim 32, and argued against all objections and rejections previously set forth in the Office Action dated 03/28/2006.

Based on the cancellation of Claims 9 and 10, all objections and rejections previously set forth for these claims are withdrawn. Based on the amendments and Applicant's remarks, the objection to the Specification for Page 10, Paragraph 0035, fourth sentence previously set forth is withdrawn. That is, an "XAML" token is simply a more specific version of an "XML" token, as indicated by Applicant. Stated differently, all "XAML" tokens fall under the generic umbrella of all "XML" tokens.

Specification

The disclosure is objected to because of the following informalities:

- The term "hoisted" on Page 5, Paragraph 0024, third sentence, should be amended because the examiner is unsure what this term is signifying. The term "hoisted" is not normally used in the art of computer programming. In the response to this Office Action, Applicant should either amend the term "hoisted" or explain how this term characterizes the "assembly, attribute and other information" that it modifies.
- Paragraphs 0027-0028 state that "Expression 1," a source XAML instance, may be used to generate the records illustrated in Figure 4. Paragraph 0035 states

that the present invention generates a **converted binary representation of source XAML** (emphasis added). Regarding these statements, the examiner fails to understand how the brief XML set forth in "Expression 1" is used to generate the records illustrated in Figure 4, which appears to include many XML elements that are not found in "Expression 1." Moreover, the examiner fails to see how the XML in "Expression 1" is "optimized," as recited in Claim 1, when the ***brief*** XML in "Expression 1" is converted into the comparatively **large** "binary representation" illustrated in Figure 4. In the response to this Office Action, Applicant should explain this paradox and detail **how** "Expression 1" is converted into the "binary representation" of Figure 4.

- The term "hoisted" on Page 9, Paragraph 0034, second sentence, should be amended because the examiner is unsure what this term is signifying. The term "hoisted" is not normally used in the art of computer programming. In the response to this Office Action, Applicant should either amend the term "hoisted" or explain how this term characterizes the "information" that it modifies.
- The phrase "source XAML 102 may be loaded or opened in mapping engine 106 or otherwise" on Page 10, Paragraph 0035, third sentence, should be amended to — source XAML 102 may be loaded or opened in mapping engine 106 ~~or otherwise~~ — because the phrase "or otherwise" is not further characterized.

Appropriate correction is required.

Claim Objections

Applicant is advised that should Claims 11-16 be found allowable, Claims 17-22 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8 and 11-31 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-8 and 23-28:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claims 1 and 23 recite a "*system*" comprising an "*input interface*," a "*mapping engine*" and an "*output interface*" that perform various functions on electronic

data. The "*input interface*," "*mapping engine*" and "*output interface*" comprise instructions for performing the various functions on the electronic data.

The recited invention is computer software *per se*. A computer program is merely a set of instructions capable of being executed by a computer. The computer program itself is not a statutory process in that it does not include the computer-readable medium needed to realize the functionality of the computer program.

Additionally, the software merely manipulates electronic data. That is, as currently recited, no function is performed ***using*** the electronic data in a way that produces a tangible, "real world" result. Thus, as currently recited, Claims 1 and 23 are directed to an abstract idea that does not produce a concrete, useful and tangible result.

Claims 2-8 and 24-28 merely recite further definitions of the types of electronic data that are manipulated by the software or further instructions for manipulating the electronic data. Thus, none of Claims 2-8 and 24-28 produce a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claims 11-22:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claims 11 and 17 recite a method for receiving electronic data, organizing the electronic data into a different format and exposing the electronic data to

"*external resources.*" The recited invention merely manipulates electronic data. Thus, as currently recited, no function is performed ***using*** the electronic data in a way that produces a tangible, "real world" result. Thus, as currently recited, Claims 11 and 17 are directed to an abstract idea that does not produce a concrete, useful and tangible result.

Claims 12-16 and 18-22 merely recite further definitions of the types of electronic data that are manipulated or further instructions for manipulating the electronic data.. Thus, none of Claims 12-16 and 18-22 produce a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claims 29-31:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claim 29 recites a "*computer readable medium*" comprising software that performs various functions on electronic data. As currently recited, the software merely manipulates electronic data. That is, the software performs no function that ***uses*** the electronic data in a way that produces a tangible, "real world" result. Thus, as currently recited, Claim 29 is directed to an abstract idea that does not produce a concrete, useful and tangible result.

Claims 30 and 31 merely recite further definitions of the types of electronic data that are manipulated.. Thus, Claims 30 and 31 do not produce a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 32:

The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claim 32 recites a "*computer readable medium*" comprising software that performs various functions on electronic data. As currently recited, the software merely manipulates electronic data. That is, the software performs no function that ***uses*** the electronic data in a way that produces a tangible, "real world" result. Thus, as currently recited, Claim 32 is directed to an abstract idea that does not produce a concrete, useful and tangible result.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 6, 7, 11, 15, 17, 21, 23, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al., U.S. Patent No. 7,007,105, in view of Lewallen, U.S. Patent No. 6,801,224.

Claim 1:

Sullivan discloses *a system for generating an optimized binary representation of an object tree* (see Figures 1, 2 and 4; see Column 1, Line 27 through Column 2, Line 39; see Column 2, Lines 43-67; see Column 3, Line 21 through Column 6, Line 17 → Sullivan discloses this limitation in that the system includes a distributed computer network in which XML data is compressed in order to optimize the storage and transmission of XML documents), *comprising:*

- *an input interface to receive markup language information corresponding to an object tree* (see Figures 1, 2 and 4; see Column 1, Line 27 through Column 2, Line 39; see Column 2, Lines 43-67; see Column 3, Line 21 through Column 6, Line 17 → Sullivan discloses this limitation in that the system includes a distributed computer network in which XML data is "received" in order to compress the XML data for the purpose of optimizing the storage and transmission of XML documents);
- *a mapping engine, the mapping engine communicating with the input interface to receive the markup language information and generate an optimized binary representation of the markup language information* (see Figures 1, 2 and 4; see Column 1, Line 27 through Column 2, Line 39; see Column 2, Lines 43-67; see Column 3, Line 21 through Column 6, Line 17 → Sullivan discloses this limitation

in that the system tokenizes XML tags using lookup tables and creates data streams using the tokenized tags and corresponding content information. The data streams are then compressed and therefore optimized for storage and transmission.); *and*

- *an output interface, communicating with the mapping engine, the output interface exposing the optimized binary representation to external resources* (see Figures 1, 2 and 4; see Column 1, Line 27 through Column 2, Line 39; see Column 2, Lines 43-67; see Column 3, Line 21 through Column 6, Line 17 → Sullivan discloses this limitation in that the system includes a distributed computer network in which the optimized data streams are transmitted to external devices of the distributed computer network.).

Sullivan fails to expressly disclose *optimizing the binary representation by at least one of:*

- *indexing the first instance of a novel object type in the binary representation; and*
- *embedding an identifier to invoke an associated loader in the binary representation.*

Lewallen teaches a system for generating an application GUI within and as part of a browser window at a client. The system comprises a bridge that converts input data to output data. The bridge maintains an object table that includes pointers for native operating system objects linked to corresponding Java objects. The object table

is used to avoid creating multiple instances of the same Java object by having APIs that call the objects use existing instances of objects, if they have been already created and transmitted to the client, rather than instantiating additional instances of the same object (see Figure 1; see Column 3, Line 5 through Column 4, Line 40 → Lewallen teaches this, as clearly indicated in the cited figure and text). Stated differently, when a client API calls an object that was previously sent to the client, the bridge will send the pointer to the client rather than sending the object to the client. The pointer identifies the object that was previously transmitted to the client and subsequently called by the client API. Such action reduces data transmission times and storage requirements.

This teaching of Lewallen is the equivalent of a system that optimizes input data and sends the data to *external resources, wherein the optimization comprises:*

- *indexing the first instance of a novel object type in a representation; and*
- *embedding an identifier to invoke an associated loader in the representation.*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, disclosed in Sullivan, to include *optimizing the binary representation by at least one of:*

- *indexing the first instance of a novel object type in the binary representation; and*
- *embedding an identifier to invoke an associated loader in the binary representation,*

in order to avoid creating multiple instances of the same object and reduce transmission times and storage requirements, as taught by Lewallen.

Claim 6:

Sullivan discloses *a system according to Claim 1, wherein the output interface comprises a serial interface* (see Figures 1, 2 and 4; see Column 1, Line 27 through Column 2, Line 39; see Column 2, Lines 43-67; see Column 3, Line 21 through Column 6, Line 17 → Sullivan discloses this limitation in that the system creates an optimized data stream comprising sequences of binary bits that are transmitted to external devices of the distributed computer network.).

Claim 7:

Sullivan discloses *a system according to Claim 6, wherein the serial interface communicates a serialized binary representation to a client machine* (see Figures 1, 2 and 4; see Column 1, Line 27 through Column 2, Line 39; see Column 2, Lines 43-67; see Column 3, Line 21 through Column 6, Line 17 → Sullivan discloses this limitation in that the system transmits optimized data streams to clients in the distributed computer network.).

Claims 11 and 15:

Claims 11 and 15 merely recite a method of using the system recited in Claims 1 and 6, respectively. Thus, Sullivan, in view of Lewallen, disclose/teach every limitation of Claims 11 and 15, as indicated in the above rejections for Claims 1 and 6.

Claims 17 and 21:

Claims 17 and 21 merely recite a method of using the system recited in Claims 1 and 6, respectively. Thus, Sullivan, in view of Lewallen, disclose/teach every limitation of Claims 17 and 21, as indicated in the above rejections for Claims 1 and 6.

Claims 23 and 27:

The subject matter recited in Claims 23 and 27 closely corresponds to the subject matter recited in Claims 1 and 6, respectively. Thus, Sullivan, in view of Lewallen, disclose/teach every limitation of Claims 23 and 27, as indicated in the above rejections for Claims 1 and 6.

Claim 29:

Claim 29 merely recites software that corresponds to the system recited in Claim 1. Thus, Sullivan, in view of Lewallen, disclose/teach every limitation of Claim 29, as indicated in the above rejection for Claim 1.

Claims 2-5, 8, 12-14, 16, 18-20, 22, 24-26, 28, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan, in view of Lewallen, and further in view of Wei, U.S. Patent Application Publication No. US 2004/0143823.

Claim 2:

As indicated in the above rejection, Sullivan, in view of Lewallen, discloses/teaches every limitation of Claim 1.

Sullivan, in view of Lewallen, fails to expressly disclose/teach *markup language information [that] comprises extensible application markup language information.*

Wei teaches a system for network-based computing comprising XML compilers receiving many different types of XML input, including XAML files, and converting the input to output, for the purposes of deploying applications to any type of client machine via computer networks and providing a universal compiler that handles many different types of XML (see Figure 4B; see Page 1, Paragraph 0004 through Page 2, Paragraph 0014; see Page 3, Paragraphs 0021-0022; see Pages 3-4, Paragraph 0026; see Page 7, Lines 60-62 → Wei teaches this, as clearly indicated in the cited figure and text).

This teaching of Wei is the equivalent of a system that optimizes input *markup language information, wherein the markup language information comprises extensible application markup language information.*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, disclosed in Sullivan, in view of Lewallen, to include:

- *markup language information [that] comprises extensible application markup language information,*

for the purposes of deploying applications to any type of client machine via computer networks and providing a universal compiler that handles many different types of XML, as taught by Wei.

Claim 3:

Sullivan, in view of Lewallen, fails to expressly disclose/teach an *object tree [that] corresponds to user interface elements.*

Wei teaches a system for network-based computing comprising XML compilers receiving many different types of XML input, including XML that defines user interfaces, and converting the input to output, for the purposes of deploying applications to any type of client machine via computer networks and providing a universal compiler that handles many different types of XML (see Figure 4B; see Page 1, Paragraph 0004 through Page 2, Paragraph 0014; see Page 3, Paragraphs 0021-0022; see Pages 3-4, Paragraph 0026; see Page 6, Paragraph 0054; see Page 7, Lines 60-63 → Wei teaches this, as clearly indicated in the cited figure and text).

This teaching of Wei is the equivalent of a system that optimizes input *markup language information corresponding to an object tree, wherein the object tree corresponds to user interface elements.*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, disclosed in Sullivan, in view of Lewallen, to include:

- *an object tree [that] corresponds to user interface elements,*

for the purposes of deploying applications to any type of client machine via computer networks and providing a universal compiler that handles many different types of XML, as taught by Wei.

Claim 4:

Sullivan discloses *optimizing the binary representation at least by encoding information in the binary representation* (see Figures 1, 2 and 4; see Column 1, Line 27 through Column 2, Line 39; see Column 2, Lines 43-67; see Column 3, Line 21 through Column 6, Line 17 → Sullivan discloses this limitation in that the system compresses XML data by encoding it into data streams. The data streams are then compressed and therefore optimized for storage and transmission.).

Sullivan, in view of Lewallen, fails to expressly disclose/teach *optimizing the binary representation at least by encoding* ***dimension*** *information in the binary representation.*

Wei teaches a system for network-based computing comprising XML compilers receiving many different types of XML input, including XML that defines user interfaces, and converting the input to output, for the purpose of efficiently transmitting and storing XML data that defines user interfaces (see Figure 4B; see Page 1, Paragraph 0004 through Page 2, Paragraph 0014; see Page 3, Paragraphs 0021-0022; see Pages 3-4, Paragraph 0026; see Page 6, Paragraph 0054; see Page 7, Lines 60-63 → Wei teaches this, as clearly indicated in the cited figure and text).

At a minimum, this teaching of Wei implies encoding dimension information of the user interfaces. Thus, this teaching of Wei is the equivalent of a system that optimizes input *by encoding dimension information.*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, disclosed in Sullivan, in view of Lewallen, to include:

- *optimizing the binary representation at least by encoding* ***dimension*** *information in the binary representation,*

for the purpose of efficiently transmitting and storing XML data that defines user interfaces, as taught by Wei.

Claim 5:

Sullivan, in view of Lewallen, fails to expressly disclose/teach *dimension information [that] comprises at least one of a length field and a width field.*

Wei teaches a system for network-based computing comprising XML compilers receiving many different types of XML input, including XML that defines user interfaces, and converting the input to output, for the purpose of efficiently transmitting and storing XML data that defines user interfaces (see Figure 4B; see Page 1, Paragraph 0004 through Page 2, Paragraph 0014; see Page 3, Paragraphs 0021-0022; see Pages 3-4, Paragraph 0026; see Page 6, Paragraph 0054; see Page 7, Lines 60-63 → Wei teaches this, as clearly indicated in the cited figure and text).

At a minimum, this teaching of Wei implies encoding dimension information of the user interfaces that comprises at least one of a length field and a width field. Thus, this teaching of Wei is the equivalent of a system that optimizes input *by encoding dimension information.*

Moreover, the examiner takes **Official Notice** that it was well-known in the art (i.e., the field of computer programming) at the time the invention was made to define "*dimension information*" for a GUI that includes a "*length field*" and a "*width field*" for the purpose of setting sizes for elements comprising the GUI.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, disclosed in Sullivan, in view of Lewallen, to include:

- *dimension information [that] comprises at least one of a length field and a width field,*

for the purpose of efficiently transmitting and storing XML data that defines user interfaces, as taught by Wei.

Claim 8:

Sullivan, in view of Lewallen, fails to expressly disclose/teach *external resources [that] comprises application programming interfaces.*

Wei teaches a system for network-based computing comprising XML compilers that convert XML input to output, wherein the output is transmitted to client APIs, for the purposes of executing client API calls and displaying results at clients (see Figure 10; see Page 1, Paragraph 0004 through Page 2, Paragraph 0014; see Page 3, Paragraphs 0021-0022; see Pages 3-4, Paragraph 0026; see Pages 4-5, Paragraphs 0032-0033; see Page 7, Lines 60-63; see Pages 9-10, Paragraphs 0071-0073 → Wei teaches this, as clearly indicated in the cited figure and text).

This teaching of Wei is the equivalent of a system that exposes optimized markup language information to *external resources, wherein the external resources comprise application programming interfaces.*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, disclosed in Sullivan, in view of Lewallen, to include:

- *external resources [that] comprises application programming interfaces,*

for the purposes of executing client API calls and displaying results at clients, as taught by Wei.

Claims 12-14 and 16:

Claims 12-14 and 16 merely recite a method of using the system recited in Claims 2-4 and 8, respectively. Thus, Sullivan, in view of Lewallen, and further in view of Wei, disclose/teach every limitation of Claims 12-14 and 16, as indicated in the above rejections for Claims 2-4 and 8.

Claims 18-20 and 22:

Claims 18-20 and 22 merely recite a method of using the system recited in Claims 2-4 and 8, respectively. Thus, Sullivan, in view of Lewallen, and further in view

of Wei, disclose/teach every limitation of Claims 18-20 and 22, as indicated in the above rejections for Claims 2-4 and 8.

Claims 24-26 and 28:

The subject matter recited in Claims 24-26 and 28 closely corresponds to the subject matter recited in Claims 2-4 and 8, respectively. Thus, Sullivan, in view of Lewallen, and further in view of Wei, disclose/teach every limitation of Claims 24-26 and 28, as indicated in the above rejections for Claims 2-4 and 8.

Claims 30-32:

Claims 30-32 merely recite software that corresponds to the system recited in Claims 2-4, respectively. Thus, Sullivan, in view of Lewallen, and further in view of Wei, disclose/teach every limitation of Claims 30-32, as indicated in the above rejection for Claims 2-4.

Response to Arguments

Applicant's arguments filed 06/28/2006 have been fully considered but they are not persuasive.

Rejections under 35 U.S.C. § 101:

Applicant argues that the claims have a useful, concrete and tangible result in that generating an optimized binary representation of markup language information makes a markup language information "more compact" and thus makes the information more efficient for storage, loading and transmission. See *Response* – Page 13, fourth paragraph.

The examiner disagrees.

Reciting the steps performed to make a markup language information "more compact" does not recite a useful, concrete and tangible result. The claims stop short of reciting a useful, concrete and tangible result. That is, the claims fail to recite anything that is done ***with*** the "more compact markup language information" that **produces** a useful, concrete and tangible result.

Rejections under 35 U.S.C. § 103(a):

Applicant amends the independent claims to recite the limitations of cancelled Claims 9 and 10, and argues that Lewallen fails to teach that the indexing of a first instance of a novel object type is done "in the binary representation," because the bridge and object table taught by Lewallen are not binary representations. Similarly, Applicant argues that Lewallen fails to teach that the embedding of an identifier is done "in the binary representation," because the bridge and object table taught by Lewallen are not binary representations. See *Response* – Page 14, last partial paragraph through Page 15, first full paragraph.

The examiner disagrees.

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The test is what the combined teachings of those references would have suggested to those of ordinary skill in the art." *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981).

Firstly, the examiner contends that a "*binary representation*" is simply one way to represent a set of computer data. Secondly, in the 103 rejection, Sullivan was used to teach generating an "*optimized* ***binary representation*** *of the markup language information.*" Thus, a "*binary representation*" was already disclosed in Sullivan, and Lewallen need not teach this limitation. Lewallen was relied upon to teach "*indexing the first instance of a novel object type*" in a set of data and "*embedding an identifier*" in the set of data "*to invoke an associated loader.*" Lewallen also provided proper motivation to combine this teaching with the disclosure of Sullivan (i.e., for the purposes of avoiding the creation of multiple instances of the same object and reducing transmission times and storage requirements).

Accordingly, the 103 rejections are proper.

The examiner notes that the present invention appears to simply be a method of compressing an XAML file. XAML is relatively new in the computer arts; however, compressing computer data into binary tokens is old. If Applicant's invention comprises

merely "optimizing" an XAML file via file compression, then the invention is not patentable.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is 571-272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

WDH
September 1, 2006

Doug Hutton
Primary Examiner
Technology Center 2100